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28 **UNITED STATES DISTRICT COURT**

DISTRICT OF NEVADA

20 DELANIE BUTLER and JOHN ROBINSON,
21 Individually and on behalf of all similarly
22 situated class and collective action members,

23 Plaintiffs,

24 v.

25 PORTFOLIO RECOVERY ASSOCIATES,
26 LLC, a Delaware Limited Liability Company;
27 DOES I through X, inclusive; ROE
28 CORPORATIONS I through X, inclusive,

Defendants.

Case No. 2:20-cv-00861-JCM-EJY

**STIPULATION AND ORDER TO
SEVER AND TRANSFER VENUE**

1 NOW COMES Plaintiffs Delanie Butler and John Robinson (“Plaintiffs”) and Defendant
 2 Portfolio Recovery Associates, LLC (“Defendant” or “PRA”) and files this stipulation of severance
 3 of certain Wage and Hour claims as set forth herein, and to transfer such claims from this Court to
 4 the Eastern District of Virginia.

5 **I. Currently Pending Motion to Sever and Transfer**

6 On July 6, 2020, Defendant Portfolio Recovery Associates, LLC (“Defendant” or “PRA”)
 7 moved, pursuant to Federal Rule of Civil Procedure 21, to sever Plaintiff Butler’s federal and state
 8 wage and hour claims brought on behalf of Defendant’s *hourly* workers, on one hand (“the Wage
 9 and Hour Claims”), from Plaintiffs’ claim under the WARN Act and the wage and hour claims
 10 brought on behalf of *salaried* employees, on the other (collectively, the “WARN Act Claims”); and,
 11 pursuant to 29 U.S.C. § 1404(a), to transfer the Wage and Hour Claims on behalf of the *hourly*
 12 employees, to the United States District Court for the Eastern District of Virginia, Norfolk Division
 13 (“EDVA”). *See* ECF 13, *Defendant’s Motion to Sever and Transfer Venue and Memorandum of*
 14 *Points and Authorities in Support* (“Motion to Sever and Transfer”). Prior to filing their consents
 15 to opt into this case, Butler and 11 other *Butler* opt-ins were already opt-in plaintiffs in the
 16 substantially similar case in the EDVA (namely, *Scott v. Portfolio Recovery Associates, LLC*, Civil
 17 Action No. 2:20-CV-00267 (EDVA) (the “Virginia Action”). *Id.* at II.B.3.a., pp. 7-9.

18 In addition to this *Butler* lawsuit and the Virginia Action, another substantially similar
 19 lawsuit was filed against PRA by hourly employees in Tennessee (namely, *Jones v. Portfolio*
 20 *Recovery Associates, LLC*, Civil Action No. 1:20-CV-01083 (WDTN) (the “Tennessee Action”), to
 21 which Butler and 11 other *Butler* opt-ins also joined before opting into this present suit. *See* Motion
 22 to Sever and Transfer, II.B., pp. 3-7. The Tennessee Action, the first filed of these three cases, was
 23 transferred from the WDTN to the EDVA pursuant to a stipulation amongst the parties thereto, and
 24 thereafter, was consolidated with the Virginia Action. *See* Tennessee Action, ECF 58, *Joint Notice*
 25 *of Stipulation to Transfer to Eastern District of Virginia*, dated June 24, 2020; Tennessee Action,
 26 ECF 59, Order Transferring Case, dated June 29, 2020 (“... §1404(a)’s interest of justice by
 27 eliminating duplicative litigation and the risk of inconsistent results.”); and Virginia Action, ECF
 28

33 (order consolidating Tennessee Action with the Virginia Action).

On July 10, 2020, counsel for Butler notified counsel for Defendant that Plaintiffs would no longer oppose the Motion to Sever and Transfer. Accordingly, Defendant's Motion to Sever and Transfer is now unopposed. Upon entry of this Order, the Parties will seek to consolidate the hourly Wage and Hour Claims of this case with the Virginia Action.

Accordingly, the Parties stipulate as follows:

II. STIPULATIONS

IT IS HEREBY STIPULATED, by and between the Parties to this action, that all of the Wage and Hour Claims that Butler asserts, individually and on a nationwide collective action basis on behalf of *hourly* workers, for violations of the FLSA and Nevada state wage and hour laws shall be severed from the remaining claims in this case. These Causes of Action to be severed are as follows: 29 USC 201 *et. seq.* (FLSA claims for hourly employees); NRS 608.016 (unpaid wages and compensation claims for hourly employees); and NRS 608.018 (unpaid overtime claims for hourly employees).

IT IS FURTHER STIPULATED, by and between the Parties to this action, that the remaining claims to remain before this Court will be the WARN Act Claims asserted on behalf of all Nevada employees who were terminated related to the March 2020 shut-down of PRA's Las Vegas Regional Office ("LVRO"), along with state wage and hour claims asserted by *salaried* employees related to the LVRO facility closure, as follows: 29 USC 2101 *et seq.* (WARN ACT); and NRS 608.016 (compensation earned and unpaid at the time of discharge for salaried employees).

IT IS FURTHER STIPULATED, by and between the Parties to this action, by and through their undersigned counsel, that the severed hourly Wage and Hour Claims be transferred to the EDVA, where the Parties will move for the hourly Wage and Hour Claims to be consolidated with the Virginia Action (*Scott v. Portfolio Recovery Associates, LLC*, Civil Action No. 2:20-CV-00267).

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Each party is to bear their own attorney's fees and costs.


DATED this 17^B day of July, 2020.

Attorney for Plaintiffs

/s/ 
Mark H. Hutchings
HUTCHINGS LAW GROUP, LLC
552 E. Charleston Blvd.
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DATED this 17th day of July, 2020.

*Attorneys for
Defendant Portfolio Recovery Associates, LLC*


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ORDER

IT IS SO ORDERED.


UNITED STATES DISTRICT COURT JUDGE

July 31, 2020

DATED